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August 23, 2022

**VIA ECF**

Honorable Valerie E. Caproni  
U.S. District Judge  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Jason Goodman v. Adam Sharp, et al.*  
Civil Action No. 21-cv-10627 (VEC)  
Opposition to Plaintiff's Motion for Reconsideration as Untimely

Your Honor:

As you know, we represent Defendants Academy of Television Arts & Sciences, Frank Scherma, and Margaret Esquenet in the above-captioned action. With counsel for Defendants Adam Sharp, The National Academy of Television Arts and Sciences, Inc., and Terrance O'Reilly, we write to jointly and respectfully object to Plaintiff Jason Goodman's ("Goodman") Motion for Reconsideration (Dkt. 74) as untimely.

On July 12, 2022, the Court issued a Memorandum Opinion and Order dismissing Goodman's Amended Complaint without leave to amend. (Dkt. 72.) On July 14, 2022, the final judgment issued. (Dkt. 73.) On August 12, 2022, Goodman filed a Notice of Motion for Reconsideration under Fed. R. Civ. P. 60.

Fed. R. Civ. P. 60(b) and Local Civil Rule 6.3 govern motions for reconsideration. Local Civil Rule 6.3 specifies timing, allowing the moving party fourteen days after an entry of judgment to serve a motion for reconsideration. Here, Goodman waited 29 days to request reconsideration. His motion should therefore be denied as untimely. *See United States v. Buff*, 19 Civ. 5549, 2022 WL 3448733, at \*1 (S.D.N.Y. Aug. 17, 2022) (denying as untimely a motion for reconsideration made under Fed. R. Civ. P. 60 filed 23 days after the entry of the Court's determination of the original motion).

Due to the tardiness of Goodman's filing, Defendants understand that a formal opposition addressing the merits, if any, of the Motion for Reconsideration is inappropriate at this time. Of course, if the Court would like further briefing on the Motion, Defendants are prepared to submit

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a formal opposition to the Motion for Reconsideration (currently due by Friday, August 26, 2022) upon the Court's request.

Respectfully submitted,

/s/ Mary Kate Brennan  
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B. Brett Heavner, Esq.

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Academy of Television Arts & Sciences,  
Frank Scherma, and Margaret Esquenet*

/s/ John Mills, Esq.  
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cc: Jason Goodman (via email and regular mail)